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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

YUTTASAK SIMMA,)
) No. C 07-3534 MMC
 Petitioner,)
 v.)
) **STIPULATION TO DISMISS; AND**
) **[PROPOSED] ORDER**
 ALBERTO GONZALES, in his official capacity)
 as Attorney General of the United States;)
 MICHAEL CHERTOFF, in his official capacity)
 as Secretary of the United States Department of)
 Homeland Security; NANCY ALCÁNTAR, in)
 her official capacity as Field Office Director for)
 the Office of Detention and Removal Operations)
 for Immigration and Custom Enforcement;)
 DAVID SEPULVEDA, in his official capacity as)
 Director of the Main Jail of the Santa Clara)
 County Correctional Facilities,)
 Respondents.)

Subject to the Court's approval, the parties hereby stipulate to dismissal of the action without prejudice because the United States Immigration and Customs Enforcement ("ICE") has agreed to release Petitioner from custody on or before September 6, 2007.

The parties will bear their own costs and fees.

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Stipulation to Dismiss Without Prejudice
 C-07-3534 MMC

1 Date: September 5, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS
3 United States Attorney

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5 ILA C. DEISS /s/
6 Assistant United States Attorney
7 Attorneys for Respondents

8 Date: September , 2007

9 RUOYU ROY WANG /s/
10 Attorney for Petitioner

11 **ORDER**

12 Pursuant to stipulation, IT IS SO ORDERED.

13
14 Date:

15 MAXINE M. CHESNEY
16 United States District Judge